

Libby - press



(TSCA) Libby's failure and solution: Toxic Substances Control Act - Op-ed Gayla Benefield  
- Helena IR 8-17-11

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## Libby's failure and solution: Toxic Substances Control Act

By Gayla Benefield - IR Your Turn | Posted: Wednesday, August 17, 2011 12:00 am

I believe the fish don't have to die before you test the water. And likewise, people don't have to die before you test the chemicals. The Libby asbestos mining disaster is now well known across the country as a prime example of how federal government has failed innocent people. People like my parents, who died of asbestosis, and my daughter and nieces and nephews, who still suffer from it today. Three generations of my family affected.

It was federal law, the Toxic Substances Control Act (TSCA), which was supposed to act as a safeguard by preventing toxic, deadly substances from being manufactured and marketed in the U.S. It was under this act that, despite dead bodies piling up in Libby, and well-documented evidence by health professionals of asbestos-related health hazards, including cancer, the Environmental Protection Agency failed to ban asbestos. It hasn't tried again since, and asbestos products are still sold and

manufactured in the United States today. Now, a new federal law has been introduced that would strengthen TSCA. The 2011 Safe Chemicals Act, introduced by Sen. Frank Lautenberg, will require chemical manufacturers to demonstrate the safety of industrial chemicals used in everyday household products before they enter the marketplace. If this common-sense practice had been put into place 40 years ago, it could've saved many lives in Libby. This is an opportunity for our lawmakers to not only make right what happened in Libby, but make a promise to the American people that a disaster like this will not happen again.

Virtually all parties, including the chemical industry, agree that it is time the nation's chemical safety law be modernized. Since it was written in 1976, thousands of new chemicals have been introduced to the marketplace. Today there are more than 80,000 chemicals on the market that have never been fully assessed for toxic impacts on human health. In fact, only 200 have been tested for safety by the government, and only five have been restricted for use.

Another appalling legal failure is that companies are not required to disclose the chemicals they are exposing the American public to, using trade secret claims. It was W.R. Grace's "secret recipe" of chemicals that kept the residents of Libby in the dark about how toxic the vermiculite that they were mining actually was. Ten years ago, first responders on Sept. 11 breathed in a mysterious mixture of chemicals, including asbestos, mercury and lead. Today, fracking companies are also claiming that their secret recipes of chemicals, which have been found to contaminate people's drinking water, cannot be revealed. Our laws are too weak to require disclosure, let alone ban chemicals that are shown to be harmful.

In the beginning, people in Libby assumed that someone was watching out for our safety. We figured if what we were working with was found to be dangerous, the mine would be shut down. It took about 30 years for us to fully see the effects of asbestosis and mesothelioma. For those living in communities where fracking is taking place, I implore them to see Libby as an example, and encourage communities to step up to the plate where government is failing us. And for the lawmakers in power: Open your eyes to how broken our system is. When hundreds of deaths and thousands of people sickened is not enough to prove asbestos is toxic and should be banned, there's something wrong with the system.

After 10 years of research and deliberation, tens of millions of dollars poured into study and regulation, and countless hours of work by health officials, the asbestos ban was completely abandoned. Today, more dollars are spent per capita on Libby's health care costs than any other community.

There is a better way — I'm not against mining or extraction of natural resources, as long as it's done in a manner that's proven to be safe. Right now, there's nothing to prevent a Libby-like disaster from happening in Montana again. It'll take community action, combined with common-sense laws, to ensure a healthy future for the next generation of Montanans. I urge Sen. Baucus, who sits on the Environment and Public Works Committee, the committee in which this important legislation has been introduced, to co-sponsor the Safe Chemicals Act. Passage of this law will be one huge step toward safer and healthier communities.

Gayla Benefield is a longtime community advocate for the asbestos poisoning victims of Libby.